

# Department of Law Enforcement


## Criminal Investigations Division

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July 2, 2013

Winter Haven

TO: Chief W.J. Martin

FROM: Major Joe Halman, Jr. 


SUBJECT: Termination of employment

I have reviewed Administrative Investigation #13-12 pertaining to Deputy Sheriff Martin Friar, member #4658 and Deputy Sheriff Shawnee McCawley, member #5204.

On June 25, 2013 I scheduled predisciplinary hearings with both Deputies Friar and McCawley at separate times; however, they both showed up together with the same attorney, Mark Taylor and requested the hearing to be held simultaneous.

After reviewing the transcripts of the predisciplinary hearing, I heard no mitigating factors that would change the recommendation as submitted by Lieutenant Julio Lima and Captain Rick Holland.

According to Deputy Sheriff Martin Friar he has continued his association with criminals in violation of General Order 26.1 E (10) ff. Friar stated as of the hearing (predisciplinary) he had been in contact with known felons or immoral reputation although he has been placed on suspension without pay for his association.

Moreover,  provided a cellular telephone which was owned by her that contained numerous pornographic pictures that were sent to her by a cellular telephone owned by Deputy Sheriff Martin Friar in which he acknowledged she had his personal cellular number. Friar admits to sending adult pornographic text messages/photographs to various adults, but initially he stated it was not intended for her, yet he could not tell you, "who the hell it was meant to go to". Additionally, he advised it was possible he did not send the text, but was rather, the victim of spoofing. However, he later acknowledged the seven pornographic pictures appeared to come from his phone, although he doesn't recall sending them.

Therefore, based upon his actions, I find that he violated the following:

**General Order 26.1 E (10) LL Untruthfulness**, which states that agency members shall speak truthfully and shall not knowingly make false or untrue statements or knowingly omit information when requested. (Violation subject to a maximum of one hundred sixty (160) working hours and/or demotion, if applicable, or dismissal).

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**General Order 26.1 E (10) ff, Association with criminals** which reads. Members shall avoid regular or continuous associations with person who they know, or should know, are persons under criminal investigation or indictments or persons who have a criminal or immoral reputation in the community, except as necessary in the performance of official duties, with the exception of their immediate family. *(Violation subject to a maximum of eight (8) working hour suspension)* and

**General Order 26.1 E (10) r r, Conduct Unbecoming a Member of the Sheriff's Office** which states that it is necessary to the goals and objectives of the agency for its members to conduct themselves in a manner consistent with the agency's code of conduct which garners public support and confidence. Conduct unbecoming a member of the agency is defined as any conduct or act by an individual member which has an adverse impact upon the operation of the agency and diminishes public respect and confidence in the agency and its members. Such conduct may include, but is not limited to, participation in any immoral, indecent, or disorderly conduct, or conduct which causes substantial doubt concerning a member's honesty, fairness, or respect for the rights of others, or the laws of the state or nation, regardless of whether such act or conduct constitutes a crime. *(Violation subject to dismissal).*

**General Order 26.1 E.10. qq. Code of Ethics for Public Officers and Employees** which states that members shall strictly adhere to the Canon of Law Enforcement Ethics, and shall not violate the Code of Ethics for Public Officers and Employees as set forth in Florida Law. *(Violation subject to dismissal.)*

Deputy Sheriff Friar employment should be terminated for violating the aforementioned General Orders.

Furthermore, on March 12, 2013, Deputy Sheriff Shawnee McCawley was interviewed by detectives assigned to conduct a criminal investigation surrounding the allegations involving Deputy Sheriff Friar. He was interviewed by Detectives [redacted] and Sergeant [redacted]. Based upon the documentation in Sergeant [redacted] supplemental report he stated that he has been to [redacted] residence numerous times with Deputy Friar because [redacted] is one of Friar's confidential informants. He said that [redacted] has assisted Friar and him by providing information resulting in numerous arrests. McCawley advised he recalled approximately 3 or 4 times when Deputy Friar entered [redacted] residence alone and he remained outside with other subjects. He advised that it was possible that there was a time when he had to knock on the door of [redacted] residence to make contact with Deputy Friar. He could not recall if [redacted] was wearing a robe during any of these occasions. Deputy McCawley also indicated that he

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and Deputy Friar had been to a residence in the Shadow Wood subdivision. He drew a map to the residence which was located on [REDACTED] It was determined this house was [REDACTED] residence.

On April 18, 2013 Deputy McCawley was interviewed by Inspector Mark Stroud and handed a copy of Detective [REDACTED] report; wherein, he became agitated and pointed at a section of the report and advised it was not accurate, they were deliberately misremembering. He highlighted portion of the report that he did not agree with to include reports written by Sergeant [REDACTED] and Detective [REDACTED]. McCawley advised in this interview that he never said he saw Friar enter [REDACTED] residence alone. What he said was it was three or four years ago and he could not remember. He further added there was a time when he and Friar were inside [REDACTED] apartment dealing with several people and [REDACTED] asked to speak with Friar in private, so the two stepped outside.

Based upon his actions, I find that he violated **General Order 26.1 E (10) LL Untruthfulness**, which states that agency members shall speak truthfully and shall not knowingly make false or untrue statements or knowingly omit information when requested. (Violation subject to a maximum of one hundred sixty (160) working hours and/or demotion, if applicable, or dismissal).

Two detectives and a supervisor documented in sworn offense reports statements made by Deputy Sheriff McCawley regarding what he saw or knew about Deputy Sheriff Friar. When he (McCawley) was interviewed by Administrative Investigations he accuses the detectives and supervisor of deliberately misremembering his statements. In his second interview to AI inspectors he stated that he did not remember using the phrase "deliberately misremembering" during his first interview with them.

I recommend that Deputy Sheriff McCawley employment be terminated for violating the aforementioned General Order.

/JH

C: File

### Summary of Facts

D/S Martin Friar, member #4658 has been employed by the Polk County Sheriff's Office since October 5, 1998. He is currently assigned to the Bureau of Special Investigations section, Tactical Drug Unit.

D/S Shawnee McCawley, member #5204 has been employed by the Polk County Sheriff's Office since November 27, 2000. He is currently assigned to the East Region Division, Southeast District, Charlie platoon.

On February 22, 2013, Veronica Taylor, who works for DCF and has frequent contact with probationers, was at the Central District Headquarters discussing with detectives a recent burglary of her vehicle. During this discussion she mentioned she heard D/S Friar was having sex with her brother's ex-girlfriend, ' . According to V. Taylor, is addicted to drugs.

Due to the allegations, a criminal investigation was initiated, assigned to Refer to PCSO case 2013-10858. conducted numerous interviews obtaining the names of women who claimed to know that D/S Friar was having sex with women he dealt with as a part of his duties.

According to report, of the ten women mentioned/interviewed during the criminal investigation, none state to law enforcement they had sex with D/S Friar, although some say they "heard" he had sex with others. Two, and , did advise D/S Friar grabbed their breasts when they were alone with him and one, Hollie Culvahouse alleged, to her estranged husband, Tim Culvahouse, D/S Friar put his hands down her pants when he arrested her. She would not provide this information to law enforcement, advising she wanted a reduction in her sentence for her cooperation. , was interviewed three times by and admitted to telling her friends she and D/S Friar were having sex, she also admitted, during the last interview, that she was lying.

In his administrative interview, D/S Friar denied having sex with any of the women involved in this investigation. He further denied grabbing the breasts of and . He advised they were making it up because he puts them in jail.

Tim Culvahouse advised, in a non-recorded interview that he does not believe D/S Friar has had sex with his estranged wife, although she has told him "something happened" and has promised to give him details once she is in prison. Regarding the allegation D/S Friar put his hands down her pants, Tim Culvahouse advised when Hollie is high she is paranoid and exaggerates, D/S Friar probably patted her down and she mistook it for something else.

D/S Friar denied anything inappropriate with Hollie Culvahouse.

My investigation revealed her husband, Tim Culvahouse and D/S Friar are acquainted with each other. According to Tim they are "friends" and he had been to D/S Friar's house numerous times helping with repairs. D/S Friar advised they were acquaintances, and agreed Tim Culvahouse has been over to his house and done minor repair work.

\_\_\_\_\_ had D/S Friar's personal cell phone number \_\_\_\_\_ entered into her phone's memory assigned to "Tuck". According to her, she obtained the number from D/S Friar who told her "Friar Tuck" was his nickname.

-During his interview, D/S Friar admitted to providing \_\_\_\_\_ his personal cell phone, explaining she frequently provided valuable information and needed a means to communicate with him. He related his personal cell phone was the only cell phone he had while working for CST, he was not provided a work phone.

D/S Friar also advised he has been at \_\_\_\_\_ residence alone with her, explaining it was always work related and he never went into her house alone, they stayed outside.

\_\_\_\_\_ advised she received numerous texts from D/S Friar some of which depicted his face, chest and penis, \_\_\_\_\_ related she saw several of the texts allegedly sent by D/S Friar, one of which was a photograph of a penis. She advised she did not know for certain they were from D/S Friar but \_\_\_\_\_ phone indicated they were. \_\_\_\_\_ did not provide copies of these texts/photos for this investigation.

In his sworn interview, D/S Friar advised he did not send these texts.

\_\_\_\_\_ did give her old Blackberry phone to \_\_\_\_\_ who then located nine photographs which were inappropriate/pornographic in nature. During her non-sworn administrative interview, \_\_\_\_\_ advised only seven of the pornographic photographs were sent to her phone from D/S Friar's personal phone (the sending number was \_\_\_\_\_ id, like \_\_\_\_\_ phone, was assigned to "Tuck"). These photos were sent on November 27, 2010 and were attached to a message which read, "*So many to choose from...*" Furthermore, \_\_\_\_\_ produced another text message dated December 31, 2010 which read "*How late do u work?? Ill come by and get a new years kiss ☺*". \_\_\_\_\_ advised these were separate texts and not part of a continuing conversation.

Despite her allegations of numerous text messages from D/S Friar, \_\_\_\_\_ only produced the above two messages as evidence. \_\_\_\_\_ advised the other messages were sent to her old phone which she no longer has.

In his sworn interview, D/S Friar related it is possible that he sent the text messages, advising, in the case of the pornographic pictures, he used to forward photos to his friends. D/S Friar advised he did not mean to send the pictures to \_\_\_\_\_ but, she was a source for him, he

did have her phone number stored in his personal phone so it was possible he sent them accidentally. He also advised it was possible someone used a program called "spoof" in order to make it look like the texts were sent from his phone. D/S Friar also advised he provided his personal cell phone number to [redacted] because he did not have a cell phone assigned to him by the PCSO.

Regarding the News Years text, D/S Friar related he did not remember sending the text or who he would have sent it to back in 2010 but he did not intentionally send it to [redacted].

D/S Friar received two phone calls from subjects who warned him about the criminal investigation, one from Tim Culvahouse and one from Margo Thomas. Margo Thomas has not provided an interview for this investigation, D/S Friar advised he knows her and denies any inappropriate conduct occurred between them.

On April 18, 2013, D/S Shawnee McCawley, while reviewing the reports written by [redacted] and [redacted] became agitated as he read and, pointing at a section of the report advised it was not accurate, they were deliberately "mis-remembering".

Det. McCawley advised he never said he saw Friar enter [redacted] residence alone. What he said was it was three or four years ago and he could not remember. He further added there was a time when he and Friar were **inside** [redacted] apartment dealing with several people and [redacted] asked to speak with Friar in private so the two stepped **outside**.

In his first sworn, recorded interview concerning this issue, D/S McCawley summed up his concerns with their reports thusly, "...I don't remember saying that stuff that's in highlight and also that stuff is not true." (Page 3).

D/S McCawley then advised he was not aware of any time that D/S Friar was alone with [redacted], other than once when he and Friar were inside [redacted] residence conducting an investigation and [redacted] asked to speak with D/S Friar outside.

I then obtained sworn, recorded interviews with [redacted] and [redacted]. They advised their reports were accurate, D/S McCawley did say what was documented in their reports.

In his 2<sup>nd</sup> sworn interview concerning this issue, D/S McCawley advised he did not remember using the phrase "they were deliberately mis-remembering" while referring to the criminal reports and still does not remember making the statement attributed to him in the reports.

In summarizing his lengthy second interview, D/S McCawley agreed with me when I made the following statement, *"So, in summation, what we've learned here is, initially, when you and I talked, you were upset about the reports. You used the phrase 'deliberately misremembering.' It went from that to, 'I don't remember saying this and it's not accurate.' And today you're statement is, you're still sticking to, 'I don't remember saying it...it's not accurate,' but it's*

*possible you might've said it. Is that, in brief, is that basically where we're at involving this issue with the reports?"* (Page 28).